

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1215

IN THE MATTER OF:

Served May 3, 1972

Application of D. C. Transit)
System, Inc., for Authority to)
Increase Fares.)

Application No. 752

Docket No. 241

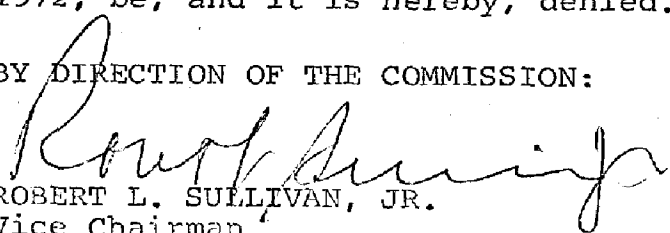
On April 27, 1972, we issued Order No. 1214 denying the Petition of Julius W. Hobson to Intervene in this proceeding. On April 28, 1972, Mr. Hobson filed an application for reconsideration of Order No. 1214 on the ground that we misconstrued the issue raised by the petition to intervene and, therefore, were unable to make the proper considerations in denying it.

No matter how phrased, the essential question to be considered by the Commission in disposing of the petition is whether the facts alleged in the petition, even if proved, constitute a proper basis for intervention. The answer simply is, they do not. Thus, no cognizable issue has been presented to us for our consideration, and we reaffirm our decision in Order No. 1214.

The Application for Reconsideration also states that Order No. 1214 "does not evidence a quorum's consideration of the Petition". Order No. 1214, signed by Vice Chairman Sullivan, was served By Direction of the Commission. The words "By Direction of the Commission" clearly indicate that a majority of the Commission considered and concurred in the action taken. Since Chairman Waterman did not participate, a majority could have considered and concurred in the action only if the two remaining Commissioners participated. They, in fact, did so. We further point out that there is no requirement of this Commission that its orders state on their face each of the Commissioners who participates.

THEREFORE, IT IS ORDERED that the Application for Reconsideration of Order Denying Petition of Julius W. Hobson to Intervene, filed April 28, 1972, be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


ROBERT L. SULLIVAN, JR.
Vice Chairman

WATERMAN, Chairman, not participating.